

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

EZRA CHOWAIKI,

Defendant.

JED S. RAKOFF, U.S.D.J.

USDC SDNY
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18-cr-323 (JSR)

ORDER

Upon Mr. Chowaiki's plea of guilty, the Court entered a preliminary forfeiture order providing for the forfeiture of defendant's interest in some 26 works of art. The Government and petitioners have reached settlements as to the disposition of nearly all the works. The only works as to which there are outstanding petitions are (1) "Scene de Village" by Marc Chagall, in which the Bloomberg Family Trust, RH9 Group and Grands Capital NY, and the Trustee for the Chowaiki Gallery's bankruptcy estate all claim an interest; and (2) "Trois Soldat" by Fernand Leger, in which Bloomberg and the Trustee assert an interest.

The Court hereby adopts the following schedule for discovery and resolution of the outstanding petitions:

First requests for production of documents, as well as the limited interrogatories authorized by Rule 33.3(a) of the Local Civil Rules of the Southern District of New York, must be served by May 24, 2019. Further document requests may be served as required, but no document request may be served later than 30 days

prior to the date of the close of discovery as set forth in this Order.

Every party-proponent of a claim that intends to offer expert testimony regarding such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by June 26, 2019. Every party-opponent of such claim that intends to offer expert testimony in opposition to such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by July 10, 2019. No expert testimony (whether designated as "rebuttal" or otherwise) will be permitted by other experts or beyond the scope of the opinions covered by the aforesaid disclosures except upon prior express permission of the Court, application for which must be made no later than July 17, 2019. All expert may be deposed within the time limit for all depositions set forth below.

All depositions (including any expert depositions) must be completed by July 24, 2019. Unless counsel agrees otherwise or the Court so orders, depositions shall not commence until all parties have completed the initial disclosures required by Fed. R. Civ. P. 26(a)(1) or until four weeks from the date of this Order, whichever is earlier. Depositions shall proceed concurrently, with no party having priority, and no deposition shall extend beyond one business day without prior leave of the Court.

Requests to admit, if any, must be served by June 24, 2019.

All discovery is to be completed by July 24, 2019. Interim deadlines for discovery items may be extended by the parties on consent without application to the Court, provided the parties are certain they can still meet the discovery completion date.


Post-discovery summary judgment motions may be filed provided that a Notice of any such motion is filed no later than July 31, 2019, and provided that the moving papers are served by August 2, 2019; answering papers by August 12, 2019; and reply papers by August 19, 2019.

A conference will be held on August 26, 2019 at 2:00pm, at which time the Court will hear oral argument on any summary judgment motions and will set a firm date for the dispositional hearing.

All motions and applications shall be governed by Judge Rakoff's Individual Rules of Practice. Counsel shall promptly familiarize themselves with all of the Court's Individual Rules, as well as with the Local Rules for the United States District Court for the Southern District of New York.

SO ORDERED.

Dated: New York, NY
May 17, 2019


JED S. RAKOFF, U.S.D.J.